

SENATE BILL NO. 497

INTRODUCED BY J. SHOCKLEY

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE CRIME OF OBSTRUCTING A ~~PROTEST~~
DEMONSTRATION AT A HEALTH CARE FACILITY; AND AMENDING SECTION 45-8-110, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-110, MCA, is amended to read:

"45-8-110. Obstructing health care facility access -- ~~obstructing a protest~~ DEMONSTRATION. (1) A person commits the offense of obstructing health care facility access if the person knowingly obstructs, hinders, or blocks another person's entry into or exit from a health care facility. Commission of the offense includes but is not limited to knowingly approaching within 8 feet of a person who is entering or leaving a health care facility to give the person written or oral information, to display a sign, or to ~~protest~~ DEMONSTRATE, counsel, or educate about a health issue, when the person does not consent to that activity and is within 36 feet of an entrance to or exit from the health care facility.

(2) A person commits the offense of obstructing a ~~protest~~ DEMONSTRATION at a health care facility if the person knowingly obstructs, hinders, or blocks another person engaged in a ~~protest within 36 feet of an entrance to or exit from the health care facility~~ LAWFUL DEMONSTRATION PURSUANT TO SUBSECTION (1). Commission of the offense includes but is not limited to knowingly approaching within 8 feet of a person who is engaged in a ~~protest~~ LAWFUL DEMONSTRATION PURSUANT TO SUBSECTION (1) without the consent of that person. HOWEVER, IT IS NOT A VIOLATION OF THIS SUBSECTION FOR A PERSON TO APPROACH WITHIN 8 FEET OF A PERSON WHO IS ENGAGED IN A LAWFUL DEMONSTRATION PURSUANT TO SUBSECTION (1) IN ORDER TO LAWFULLY ENTER INTO OR EXIT FROM A HEALTH CARE FACILITY.

~~(2)~~(3) A person convicted under this section shall be fined an amount not to exceed \$100.

~~(3)~~(4) For purposes of this section, "health care facility" means an office of a medical practitioner, as defined in 37-2-101, or any other facility or entity that is licensed, certified, or otherwise authorized by law to administer medical treatment in this state."

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